

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DIVISION
ABINGDON DIVISION**

KYMBERLY HOBBS, ADMINISTRATOR
OF THE ESTATE OF CHARLES JAMES
GIVENS, DECEASED,

Plaintiff,

Civil Action No.: 1:23-cv-00003

v.

ANTHONY RAYMOND KELLY, et al.,

Defendants.

PLAINTIFF'S AMENDED PRETRIAL DISCLOSURES

COMES NOW Plaintiff Kymberly Hobbs, Administrator of the Estate of Charles James Givens, Deceased, by counsel, and, pursuant to the Court's Rule 16(b) Scheduling Order (ECF Dkt. No. 31, *see also* ECF Dkt. No. 86 (setting the dates of the trial)), the Court's Trial Order (ECF No. 170), and Fed. R. Civ. P. 26(a)(3), herein files her Amended Pretrial Disclosures.

Witness List

Plaintiff intends to call the following witnesses in her case-in-chief. (Unless otherwise noted, Plaintiff plans to call the witnesses in-person.)

1. Plaintiff Kymberly Hobbs
2. Ronald Danny West, Jr.
3. Edwin Catron
4. Debbie Douglas
5. Tammy Jones, NP
6. George Berry, Jr.
7. Special Agent Heath Seagle

8. Defendant Anthony Kelly
9. Defendant Joshua Jackson
10. Defendant Gregory Plummer
11. Defendant William Montgomery
12. Defendant Samuel Osborne
13. Defendant Travis Poston
14. Defendant Jeffrey Artrip
15. Brian Lee Harrington
16. Bryan Henley, DO
17. Eli Goodman, MD
18. Jesse Shriki, DO, MS, FACEP
19. William Oliver, MD, MS, MPA
20. Any necessary custodian of records (in the event that adequate stipulations are not reached)
21. Designation of the deposition of any witness unable to attend or outside the jurisdiction of the Court
22. Any witness necessary to authenticate exhibits
23. Any witness necessary for impeachment

The Plaintiff reserves the right to also call as a witness in her case-in-chief any witness designated by Defendants. Plaintiff also reserves the right to modify the foregoing list commensurate with the Court's orders.

Amended Exhibit List***Exhibits Plaintiff Expects to Offer***

Exhibit No. ("P._")	Plaintiff's Deposition Exhibit No. (if any)	Bates No. (if any)	Title of Document
1	110		Photo of Givens with his sister
2 A-P		A. HOBBS008575; B. HOBBS008585; C. HOBBS008586; D. HOBBS008587; E. HOBBS008588; F. HOBBS008590; G. HOBBS008591; H. HOBBS008592; I. HOBBS008594; J. HOBBS008595; K. HOBBS008597; L. HOBBS008601; M. HOBBS008603; N. HOBBS008605; O. HOBBS008606; P. HOBBS008607- HOBBS008608	Photos of Givens and his family
3		HOBBS008565- 008567	Guardianship Order
4		HOBBS000011	Qualification as Administrator
5 A-E		A. Catron Audio 1. 168_916. mp3 B. Catron Audio 2. 203_702. mp3 C. Catron Audio 3. 170_29. mp3	Audio excerpts from Catron phone calls

		D. Catron Audio 4. 135_188. mp3 E. Catron Audio 5. 165_631.mp3	
6		HOBBS008657- 008658	Debbie Douglas and Kym Hobbs texts
7		HOBBS008659	Debbie Douglas and Kym Hobbs phone call
8		HOBBS008660	Debbie Douglas and Kym Hobbs voicemail
9		HOBBS005025- 005026	VDOC Disciplinary Offense Report
10	115		Givens' death scene photo
11	151	MJKP 00317- 00325	Givens' death scene photos
12		HOBBS005015- 005023	Report of Autopsy with Certificate of Analysis
13	111	2VDOC000064- 000110	Death Certificate, Death Notice, Institutional Records File
14	Selected photos were introduced as 112, 166, 176	HOBBS006061- 006100	Autopsy Photos of Givens
15	116	HOBBS006115	Photo of Cell Door 19 with Givens' Face Sheet
16	117		Fall Precaution Sign
17		HOBBS000001	Letter to Kym Hobbs
18	119	2_VDOC_001891- 001897	VDOC Facility Bed History

19 A-F		<p>A. dji_fly_2_17058766 05415</p> <p>B. dji_fly_2_17058766 05434</p> <p>C. dji_fly_2_17058766 05444</p> <p>D. dji_fly_2_17058766 05462</p> <p>E. dji_fly_2_17058766 05469</p> <p>F. dji_fly_2_17058766 05477</p>	Aerial Photos of MCTC
20	66	HOBBS000153	VDOC Interdisciplinary Progress Notes (MCTC 41)
21	66A	HOBBS000155 – 000157	Town of Marion, Marion Fire/EMS Patient Care Record
22	66B	HOBBS004742	Diagram of MCTC Wing
23	66C	HOBBS004797 – 004801	VDOC Health Services Consultation Report; 2B Logbook
24	66D	HOBBS005082 – 005099	VDOC Internal Incident Report
25	66E	SIU000001 – 000013	VDOC Incident Report
26	66F	SIU000903 – 000977	Special Investigations Unit Marion Correctional Treatment Center Incident Report
27	67	HOBBS006037-006052	Virginia State Police Investigative Report – File No. 22-2333
28	73		VDOC Organizational Chart

29	88	2_VDOC_000266-000324	VDOC Memorandum, Report of Investigation – #180213MAR – (FINAL)
30	96	VDOC_002688-002689	Emails with Stephanie Kennedy, Annasue Cook
31	97	VDOC_002913-002916	VDOC Employee Work Profile Work Description and Performance Plan
32	154	MKJP 00130 - MKJP 00174	VDOC Health Services Consultation Report, 2B Post Logbooks, handwritten medical notes, Physicians Progress Notes, Health Service Complaint and Treatment Form, Fall Risk Assessment, QMC Consultation Request, Interdisciplinary Progress Notes, Disciplinary Actions, Offender Summary Report, Face Sheet, Death Notice, Clinical Report
33	155	MKJP 00193 - MKJP 00212	Virginia State Police Investigative Report – File No. 22-2333
34	156	MKJP 00301- MKJP 00316	VDOC Officer's Log Sheet
35	159	VDOC_002640 - VDOC_002641	2B Logbook
36	157	MKJP 00232- MKJP 00300	VDOC Incident Report
37		Hobbs 4 camera.mp4	Video of 2B Hallway 2-05-2022, Merged Camera Angles
38 A-D		HOBBS006251-006254 A. 220214103831_MC TC2572BMAINHA LL_(1)_1 B. 220214103831_MC TC2562BMAINHA LL_(1)_2	Video of 2B Hallway, Separate Camera Angles

		C. 220214103831_MC TC2552BMAINHA LL_(1)_3 D. 220214103831_MC TC2542BMAINHA LL_(1)_4	
39	113	DSC_3405	Photo of two showers
40	114	DSC_3410	Photo of shower door
41	129	DSC_3393	Photo of shower room through doorway
42	130	DSC_3394	Photo of shower room
43	131	DSC_3397	Photo of doorway
44	132	DSC_3399	Photo of storage closet
45	133	DSC_3400	Photo of storage closet
46	134	DSC_3405	Photo of two showers through doorway
47	135	DSC_3415	Photo of two showers
48	136	DSC_3416	Photo of locked shower door
49	137	DSC_3432	Photo of shower room
50	138	DSC_3435	Photo of Mark Krudys holding bucket over shower
51	140	DSC_1029	Photo of mop closet
52	5	HOBBS004713	VDOC Health Services Complaint and Treatment Form, SISP
53	21	HOBBS004258	VDOC Interdisciplinary Progress Notes (MCTC 41)
54	23	HOBBS004257	VDOC Interdisciplinary Progress Notes (MCTC 41)

55	23A	2_VDOC_000399 – 000400	VDOC Officer's Log Sheet
56	24	HOBBS004454	VDOC Interdisciplinary Progress Notes (MCTC 41)
57	28	HOBBS004451	VDOC Interdisciplinary Progress Note
58	60	HOBBS004806	VDOC Physicians Progress Notes (MCTC 36)
59	30	HOBBS000227 – 000230	Office of Health Services Wound Assessment
60	36	2_VDOC_000422 – 000426	Medical Cell Logbook
61	59	HOBBS005047	VDOC Health Services Complaint and Treatment Form, Marion Correctional Treatment Center
62	63	HOBBS005043	VDOC Physicians Progress Notes (MCTC 36)
63	15	HOBBS003831	VDOC Interdisciplinary Progress Notes (MCTC 41)
64	75	2_VDOC_000588	Emails from Brian Davis to George Berry forwarding email from Daniel K. Roland
65	76	2_VDOC_000586	CO Cox written statement
66	16	2_VDOC_000579 – 000581	VDOC MCTC Investigations and Intelligence Unit, Institutional Investigative Report
67	16A	2_VDOC_000585	Investigative Interview, Robert Johnson
68	16B	E_VDOC_00024032	Email from Sonja Miller to George Berry
69	83	E_VDOC_00024030	Emails with Mary Fuqua, George H. Berry, Brian Davis,
70	19A	E VDOC 00024052	VDOC MCTC Investigations and Intelligence Unit, Institutional Investigative Report

71	20	HOBBS004259	VDOC Interdisciplinary Progress Notes (MCTC 41)
72	25	HOBBS004452	VDOC Interdisciplinary Progress Notes (MCTC 41)
73	25A	2_VDOC_000371 – 000375	VDOC Incident Report
74	27	HOBBS004440	VDOC Mental Health Services Progress Notes, MCTC
75	27A	HOBBS004445	VDOC Psychiatry Progress Note, MCTC
76	32	HOBBS004733 – 004738	VDOC Report of Investigation – #180213MAR – FINAL
77	32A	HOBBS000423 – 000425	Nurse's Notes, Smyth County Community Hospital
78	32D	2_VDOC_000494 – 000563	VDOC Investigative Report File
79	32F	HOBBS006024-6032	VDOC Report of Investigation – #180268MAR – FINAL
80	32G	2_VDOC_000376 – 000377	VDOC Incident Report
81	32H	2_VDOC_000413 – 000415	MCTC 2B Post Logbook
82	32I	2_VDOC_000366 – 000367	VDOC Internal Incident Report
83	32J	E VDOC 00024035	Email from George Berry to Johnny Acosta
84	33	HOBBS000376	VDOC Consultation Report
85	37	2_VDOC_000381 – 000398	VDOC MCTC Investigations and Intelligence Unit, Institutional Investigative Report
86	74	2_VDOC_000369-370	VDOC Internal Incident Report

87	38	HOBBS000373 – 000410	General Surgery (Free Text Consult) - Consultation Note
88	38A	E_VDOC_00024033	Email from Gary Lyons to Scott Brown, George Berry
89	43	2_VDOC_000401	VDOC Officer's Log Sheet
90	47	2_VDOC_000464 – 000471	MCTC Medical Cell Logbook
91	47B	HOBBS002543 – 002989	JMH Progressive Care Inpatient Record
92	48	2_VDOC_000564 – 000578	VDOC MCTC Investigations and Intelligence Unit, Institutional Investigative Report
93	48A	2_VDOC_000569	Officer B. Harrington Letter to Lieutenant George Berry
94	48B	2_VDOC_000564 – 000566	VDOC MCTC Investigations and Intelligence Unit, Institutional Investigative Report
95	48C	2_VDOC_000576 – 000578	Photos of Givens' Wounded Knees
96	49	HOBBS000884 – 000970	SCCH Emergency Inpatient Record
97	51	HOBBS005055 – 005056	VDOC Physicians Progress Notes (MCTC 36)
98	52	2_VDOC_000476 – 000478	MCTC 2-B Post Logbook
99	52A	HOBBS000981-000985	SCCH Emergency Inpatient Record, ED Provider Notes – ED Notes
100	52B	HOBBS000971 – 001053	SCCH Emergency Inpatient Record

101	54	2_VDOC_000564-000578	VDOC MCTC Investigations and Intelligence Unit, Institutional Investigative Report
102	61	HOBBS004805	VDOC Physicians Progress Notes (MCTC 36)
103	65	HOBBS005060 – 005061	VDOC Interdisciplinary Progress Notes (MCTC 41)
104	86	MCTC00214, 178, 196	Emails with Jennifer Thompson, Ann H. Horst, Corena McGhee, Cynthia Lester, Tammy R. Jones, Bridgett Ford, Kimberly Olinger, Jefferey C. Artrip, Chad Lard, VADOC Clinical Coordinator, Mary L. Gilbert, Mark Amonette, Shyam Singareddy
105	35	2_VDOC_000422 – 000426	Medical Cell Logbook
106	35A	E_VDOC_00023551	Emails with Everett Jones, Kimberly Olinger, Terry Richards, Anita E. Call, Bridgett Ford, Tammy R. Jones, William Fields
107	35C	HOBBS000419 – 000421	Physician Documentation, Smyth County Community Hospital
108	41A	E_VDOC_00023683	Email from Tammy R. Jones to Mark Larsen, Laura Campbell
109	41B	2 VDOC 000458 – 000459	MCTC Medical Pill Call Logbook
110	41C	HOBBS000432 – 000713	SCCH ICU Inpatient Record
111	41D	2_VDOC_000364	VDOC Internal Incident Report
112	42	2_VDOC_000365	VDOC Internal Incident Report
113	42A	HOBBS005041	Handwritten Medical Notes

114	42B	HOBBS002121 – 002542	JMH Progressive Care Inpatient Record
115	43A	2_VDOC_001830-001841	VDOC Incident Report
116	44	2_VDOC_000460 – 000461	MCTC 1C Post Logbook
117	56	2_VDOC_000484 – 000485	Logbook, 1-C B-Break
118	56A	2_VDOC_000486 – 000491 000	MCTC Medical Cell Post Logbook
119	56B	HOBBS005051 – 005052	VDOC Physicians Progress Notes (MCTC 36)
120	56C	HOBBS005082	VDOC Internal Incident Report
121	56D	HOBBS001053 – 001170	SCCH Emergency Inpatient Record
122	56E	HOBBS001065 – 001076	SCCH Emergency Inpatient Record, ED Notes - ED Notes
123	57	HOBBS005083	VDOC Internal Incident Report
124	57B	HOBBS001195 – 001218	SCCH Med/Surg Inpatient Record, ED Notes - ED Notes
125	57C	HOBBS001171 – 001618	SCCH Med/Surg Inpatient Record
126	58	HOBBS001636-001642	SCCH ICU Inpatient Record ED Notes - ED Notes
127	58B	HOBBS005048	VDOC Physicians Progress Notes (MCTC 36)
128	58E	2_VDOC_000402	VDOC Officer's Log Sheet
129	77	E_VDOC_00023551	Emails with Everett Jones, Kimberly Olinger, Terry Richards, Anita Call,

			Bridgett Ford, Tammy Jones, William Fields
130	79	E_VDOC_00023571	Emails with Tammy R. Jones, Mark S. Amonette, Meredith R. Cary
131	82	E_VDOC_00023596-00023597	Emails with Kimberly Olinger, Tammy Jones, Ann Horst, Cynthia Lester, James L. Brown, James Lee, Bridgett Ford, Corena Reedy
132	87	MCTC00197	Emails with Mark Amonette, Cynthia Lester
133	78	E_VDOC_00023520	Medical Transfer Request Form
134	80	E_VDOC_00023580	Emails with Ann Horst, Anita Call, Cynthia Lester, Daniel K. Roland, Tammy R. Jones, Corena McGhee
135	81	E_VDOC_00023588	Emails with Kimberly Olinger, James L. Brown, Jeffery C. Artrip, Corena McGheel Tammy R. Jones
136	91	2_VDOC_000685	VDOC Internal Incident Report
137	92	2_VDOC_000792	VDOC Written Complaint
138	93	2_VDOC_000806-11	VDOC Informal Complaint
139	93A	2_VDOC_000676	VDOC Internal Incident Report
140	94	2_VDOC_000716	VDOC Internal Incident Report
141	95	2_VDOC_000800	VDOC Written Complaint

Exhibits Plaintiff May Offer if the Need Arises

142			Defendant Anthony Kelly's Answer to Plaintiff's First Interrogatories and Requests Production of Documents
143			Defendant Joshua Jackson's Answer to Plaintiff's First

			Interrogatories and Requests Production of Documents
144			Defendant Gregory Plummer's Answer to Plaintiff's First Interrogatories and Requests Production of Documents
145			Defendant William Montgomery Answer to Plaintiff's First Interrogatories and Requests Production of Documents
146			Defendant Osborne Answer to Plaintiff's First Interrogatories and Requests Production of Documents
147 A-K		A.HOBBS008639 B. HOBBS008640 C. HOBBS008641 D. HOBBS008642 E. HOBBS008643 F. HOBBS008644 G. HOBBS008645 H. HOBBS008646 I. HOBBS008647 J. HOBBS008648 K. HOBBS008649	Grand Jury Testimony
148	98	VDOC002560- 002565	MCTC Shift Commanders Office Post Logbook
149	99	VDOC002566- 002570	MCTC SCO Post Logbook
150	100	VDOC002571- 002576	MCTC SCO Post Logbook
151	101	VDOC002577- 002586	MCTC SCO Post Logbook

152	102	VDOC002587-002593	MCTC SCO Post Logbook
153	103	VDOC002594-002599	MCTC SCO Post Logbook
154	104	VDOC002600-002609	MCTC Medical Cell Post Logbook
155	105	VDOC002610-002621	MCTC 1-B Post Logbook
156	106	VDOC002622-002633	MCTC 2-B Post Logbook
157	107	VDOC002634-002647	MCTC 2-B Post Logbook
158	68	HOBSS006053-006056	Virginia State Police Polygraph Unit Witness Examination
159	90	HOBBS008555-008564	Affidavit of Ronald Danny West
160	160		Defendants' Jackson, Kelly, Montgomery, and Plummer's Expert Disclosures
161	170		Defendants Jeffery Artrip and Travis S. Poston Rule 26(a)(2) Expert Disclosures
162	125	HOBBS006228 07.18.22	MCTC 2B Main Hall Video Screenshot 02-05-2022 07:18:22
163	126	HOBBS006228 07.26.25	MCTC 2B Main Hall Video Screenshot 02-05-2022 07:26:25
164	127	HOBBS006228 07.32.41	MCTC 2B Main Hall Video Screenshot 02-05-2022 07:32:41

165	128	HOBBS006228 07.37.34	2B Main Hall Video Screenshot 02-05-2022 07:37:34
166	150-1	07.37.22-47	Video of Hallway 02-05-2022, 7:37:22 – 7:37:47
167	150-2	07.57.40	Photo of Hallway 02-05-2022 07:57:40
168	150-3	08.02.15	Photo of Hallway 02-05-2022 08:02:15
169	150-4	08.27.19	Photo of Hallway 02-05-2022 08:27:19
170	150-5	08.58.13	Photo of Hallway 02-05-2022 08:58:13
171	150-6	09.25.52-09.26.28	Video of Hallway 02-05-2022 09:25:52 - 09:26:28
172	150-7	09.26.05	Photo of Hallway 02-05-2022 09:26:05
173	150-8	09.30.12-59	Video of Hallway 02-05-2022 09:30:12 - 09:30:59
174	150-9	09.33.44-09.34.08	Video of Hallway 02-05-2022 09:33:44 - 09:34:08
175	150-10	09.30.47	Photo of Hallway 02-05-2022 09:30:47
176	150-11	09.33.55	Photo of Hallway 02-05-2022 09:33:55

Plaintiff reserves the right to modify the foregoing list commensurate with the Court's Orders. Plaintiff may also offer the following in her case: pleadings; any exhibit identified by a Defendant and not objected to; documents to be used for impeachment; summaries of records, charts, and timelines; demonstrative aids; and Plaintiff's Experts' Reports and any reference materials.

Respectfully submitted,

KYMBERLY HOBBS, ADMINISTRATOR
OF THE ESTATE OF CHARLES JAMES
GIVENS,
DECEASED

By: /s/ Mark J. Krudys
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*Counsel for Plaintiff Kymberly Hobbs, Administrator of the Estate of Charles James Givens,
Deceased*

CERTIFICATE OF SERVICE

I hereby certify that on this 17th day of March 2025, I will electronically file the foregoing with the Clerk of the Court using the CM/ECF system, which will then send a notification of such filing all counsel of record.

/s/ Mark J. Krudys

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